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THE HONORABLE ROBERT J. BRYAN

Attorneys for Defendant
~~FEDERAL DEPOSIT INSURANCE CORPORATION,~~
~~as Receiver for Westsound Bank~~
 2010-1 RADC/CADC Venture, LLC.

UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT TACOMA

2010-1 RADC/CADC VENTURE, LLC,

Plaintiff,

v.

JERRY F. BECKER, individually; MARY
 ANN BECKER, individually; the marital
 community composed of JERRY F.
 BECKER and MARY ANN BECKER; and
 JFB PROPERTIES LLC, a Washington
 limited liability company,

Defendants.

NO. CV09-5476-RJB

**PROPOSED
 FINDINGS OF FACT AND
 CONCLUSIONS OF LAW**

This matter came before the court for trial, without a jury, on December 8, 2010. The court, having heard the testimony of witnesses and considered the evidence presented, and being fully advised in the premises, now

FINDS AND CONCLUDES AS FOLLOWS:

FINDINGS OF FACT

1. 2010-1 RADC/CADC Venture, LLC is the successor in interest to the FDIC as Receiver for Westsound Bank, who is in turn the successor in interest to Westsound Bank.

2. On or about July 21, 2005, for good and valuable consideration, defendants Jerry F. Becker and Mary Ann Becker executed and delivered to Westsound Bank a promissory Note on

FINDINGS OF FACT AND
 CONCLUSIONS OF LAW
 (NO. C09-5476RJB) - 1

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1 Loan No. 2019909189 in the principal amount of \$467,000, and later changed to Loan No.
2 2019923305. (Note #1).

3 3. Jerry F. Becker and Mary Ann Becker have failed to make payments and to perform
4 other obligations when due pursuant to the terms of Note #1.

5
6 4. As of December 8, 2010, the Beckers owe \$601,895.59 to 2010-1 RAD/CADC
7 Venture, LLC on Note #1.

8 5. On or about December 28, 2006, for good and valuable consideration, defendants Jerry F.
9 Becker and Mary Ann Becker executed and delivered to the bank a promissory Note on Loan
10 No. 2019013644 in the principal amount of \$760,000 (Note #2).

11 6. Jerry F. Becker and Mary Ann Becker have failed to make payments and perform other
12 obligations when due pursuant to the terms of Note #2.

13
14 7. As of December 8, 2010, the Beckers owe \$688,801.98 to 2010-1 RAD/CADC
15 Venture, LLC on Note #2.

16 8. On or about November 10, 2005, for good and valuable consideration, defendants Jerry
17 F. Becker and Mary Ann Becker executed and delivered to the bank a promissory Note on Loan
18 No. 2019910914 in the principal amount of \$110,000, later amended to Loan Number
19 2007090500 and increased to \$160,000 (Note #3).

20 9. Jerry F. Becker and Mary Ann Becker have failed to make payments and perform other
21 obligations when due pursuant to the terms of Note #3.

22
23 10. As of December 8, 2010, the Beckers owe \$240,834.25 to 2010-1 RAD/CADC
24 Venture, LLC on Note #3.

25
26 11. On or about November 10, 2005, for good and valuable consideration, defendants Jerry F.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
(NO. C09-5476RJB) - 2

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1 Becker and Mary Ann Becker executed and delivered to the bank a promissory Note on Loan
2 No. 2019910922 in the principal amount of \$110,000, later amended to Loan No. 2007090501
3 and increased to \$160,000 (Note #4).

4
5 12. Jerry F. Becker and Mary Ann Becker have failed to make payments and perform other
6 obligations when due pursuant to the terms of Note #4.

7 13. As of December 8, 2010, the Beckers owe \$243,378.17 to 2010-1 RADC/CADC
8 Venture, LLC on Note #4.

9 14. On May 6, 2008 Jerry F. Becker formed JFB Properties LLC.

10 15. Jerry F. Becker is the managing member of JFB Properties LLC.

11
12 16. At the time of the formation of JFB Properties LLC, Jerry F. Baker owned two vacant lots,
13 located at 514 Sheridan Road and 516 Sheridan Road, in Bremerton, Washington, within the
14 Western District of Washington.

15 17. In May, 2008, after the formation of JFB Properties LLC, Jerry F. Becker transferred
16 ownership of the properties located at 514 Sheridan Road and 516 Sheridan Road, Bremerton,
17 Washington, from himself to JFB Properties LLC.

18 18. The transfer was made for no value.

19 19. Jerry F. Becker is an insider as *to JFB Properties LLC.*

20 20. At the time of the transfer Jerry F. Becker was not paying his debts *to Westsound Bank* when they came due.

21 21. At the time of the transfer the sum of the debts of Jerry F. Becker and Mary Ann Becker
22 was greater than the sum of their assets.
23
24

25 CONCLUSIONS OF LAW

26 1. This court has subject matter jurisdiction and personal jurisdiction over the parties in

FINDINGS OF FACT AND
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(NO. C09-5476RJB) - 3

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1 this case.

2 2. 2010-1 RADC/CADC Venture, LLC, as successor in interest to Westsound Bank, is
3 entitled to judgment against Jerry F. Becker and Mary Ann Becker, and their marital
4 community, in the total amount of \$1,774,909.99.

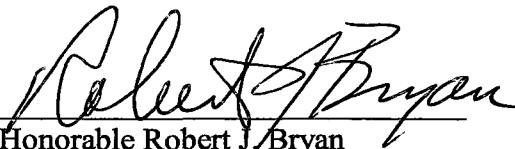
5 3. The transfer of the Sheridan Road properties to JFB Properties LLC was an insider
6 transaction for no value.

7 4. The transfer of the Sheridan Road properties to JFB Properties LLC was made when the
8 Beckers were insolvent.


9 5. The transfer was made with actual intent to hinder, delay or defraud creditors within the
10 meaning of RCW 19,40.041(a)(1) and (b). *and definitions of the Uniform Laws of Fraudulent Transfer and*

11 6. Plaintiff is entitled to have the transfer set aside pursuant to RCW 19.40.071, and to
12 levy execution on the transferred property pursuant to RCW 19.40.071(b).

13 Dated this 8th day of December, 2010.

14
15 
16 Honorable Robert J. Bryan
17 United States District Judge
18
19

20 PRESENTED IN OPEN COURT BY:
21 THE GAITÁN GROUP, PLLC

22 By 
23 Jose E. Gaitán, WSBA No. 7347
24 Richard L. Phillips, WSBA No. 6252
25 Roman S. Dixon, WSBA No. 36369
26 Attorneys for Plaintiff 2010-1
RADC/CADC Venture, LLC

FINDINGS OF FACT AND
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(NO. C09-5476RJB) - 4

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1 APPROVED AS TO FORM
2 MUELLER & ASSOCIATES, INC., P.S.

3 By *Edward L. Mueller*

4 Edward L. Mueller, WSBA #264

5 **ATTORNEY FOR DEFENDANTS**

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FINDINGS OF FACT AND
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